



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

October 12, 2012

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka".

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

STATUS REPORT ON THE ATHENS WAY HORSE STABLES (ITEM NO. 38-B, AGENDA OF JULY 10, 2012)

On July 10, 2012, on motion by Supervisor Mark-Ridley Thomas, the Board directed the Chief Executive Officer (CEO), to convene with the Athens Way Horse Stables Task Force (Task Force). In order to enhance multi-department code enforcement activities, the Task Force, which consists of the Departments of Animal Care and Control (ACC), Public Health (DPH), Public Works (DPW), Regional Planning (DRP), Treasurer and Tax Collector (TTC), District Attorney (DA), County Counsel (CC), Fire (FD), and Sheriff (LASD), was instructed to: (1) place on a future agenda for the Board of Supervisor's consideration of a Corrective Action Plan for the Athens Horse Stables property, which includes specific strategies to remedy the land use, environmental health, and safety issues that pertain to the site; and (2) report back to the Board of Supervisors within 90 days with policy recommendations to prevent similar unresolved and compounded multi-agency code violations on properties within the unincorporated areas in the future.

This report provides the Board with a status report on the Task Force's efforts.

BACKGROUND

On June 18, 2012, a fire occurred at a horse stable in the unincorporated community of West Rancho Dominguez-Victoria, where two horses, a pony, and a goat perished. This particular facility had been the subject of several County agency code violations, including DPW building code citations, DRP zoning code citations, and ACC animal cruelty cases. On June 29, 2012, ACC, DPH, DPW, DRP, DA, CC, FD, and LASD inspected the property. All the structures on the property were issued citations by DPW due to their unsafe conditions and ACC ordered the remaining horses to be removed by July 15, 2012.

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On July, 17, 2012, the Board adopted an interim ordinance to temporarily prevent the establishment of equestrian facilities on any zone within the West Rancho Dominguez-Victoria Community Standards District until appropriate standards for these facilities can be fully analyzed and recommended to the Board for possible adoption.

In response to the Board's motion, this Office convened the multi-departmental Athens Horse Stables Task Force to review and evaluate each department's policies and procedures related to horse stables and equine facilities; to develop policy recommendations on horse stables to prevent similar unresolved and compounded multi-agency code violations on properties within the unincorporated area; and to develop a corrective action plan for the Athens site, including potential ordinance changes for the Board's consideration.

ATHENS HORSE STABLES TASK FORCE – SUBCOMMITTEES

Under the direction of the Task Force, subcommittees have been created to identify new policy recommendations on the approval and operation of horse stables, and to identify substantive enhancements to the code enforcement process. The subcommittees' roles and work accomplished to date is summarized below:

Standards Subcommittee

The Standards Subcommittee is tasked with formulating policy recommendations for potential changes to codes, standards, and procedures related to the County approval of horse stables and equestrian facilities. With DRP serving as the lead, the subcommittee contains members from the ACC, DPH, DPW, FD, and TTC.

The Standards Subcommittee has been in the process of conducting an extensive review of the existing County Code sections that pertain to horse boarding and equestrian facilities. Based on this review, each participating Department has been assessing their existing regulations and determining whether changes to their respective codes need to be proposed to the Board. In addition, DRP staff, in conjunction with ACC and DPH are surveying local stables and their jurisdictional regulations, and are reviewing best management practices for the maintenance and care of horses and horse facilities.

In concert with this review, the Standards Subcommittee will prepare a report entitled "Horse Stables and Equine Facilities: Existing Standards and Proposed New Policy Recommendations" to include: (1) an outline of the existing County Code sections that regulate horse stables and equestrian facilities; and (2) identify potential code changes specific to commercial horse stable operations for the participating County departments. Additionally, this report will include each Department's proposed changes to their respective

codes based on the analysis and research completed by staff. Lastly, this report will be used to assist the Task Force with the development of a Corrective Action Plan for the Athens Horse Stables property. We anticipate finalizing this review for completion of a comprehensive report targeted by November 30, 2012.

Nuisance Abatement Team Subcommittee

The Nuisance Abatement Team (NAT) Subcommittee is tasked to focus on enhancing and streamlining the NAT code enforcement processes. Streamlining efforts include potential code or ordinance amendments; updating the citation process; review of fees and fines; enhancing interagency communication; and improving data management. In addition, emphasis is being placed on establishing a method to prioritize Countywide NAT cases in order to channel resources effectively. Also, the NAT Protocol has been reviewed and expanded to encompass and coordinate all of the County's code enforcement activities.

The County departments that primarily participate in the NAT are DPW, DRP, DA, DPH, and LASD. However, there are other County and State agencies that are involved with the NAT as required for specific cases.

With DPW, acting as the lead NAT agency, the department provides two building inspectors for each team to serve as the NAT Coordinator and a Property Rehabilitation inspector. DRP, DPH, and other code enforcement agencies as needed (ACC, FD, TTC, etc.) provide at least one investigator. The District Attorney Investigators (DAIs) are the lead law enforcement agency with LASD providing as needed assistance. The District Attorney's office typically provides a minimum of two DAIs. LASD takes the lead on all law enforcement action outside of the NAT code enforcement process.

Review and Assessment of Code Enforcement Process/Case Prioritization

One of the first steps undertaken by the NAT Subcommittee was to research and assess information on the code enforcement processes handled within each of the participating departments and to develop a criteria to determine "High Priority" NAT cases for each agency and, in turn, the multi-department NAT. The criteria considered are specific to: (1) immediate and direct threat to health, fire, and life safety; (2) direct impact to others [e.g., public, tenants, neighbors, animals, property]; (3) significant environmental impacts; (4) unpermitted condition, land use, or unlicensed activity; and (5) willful or persisting code violations.

The subcommittee's review recognized that each department is uniquely structured and cases are prioritized based on codes and ordinances enforced exclusively by each agency. Therefore, it is proposed that a system be developed to gather the information from each code enforcement agency to identify "High Priority" NAT cases. To allow for this to be implemented immediately in a location accessible by all departments, DPW is offering their Building Permit Viewer system to be the interim platform for collecting, reporting, and

communicating NAT code enforcement case data. Also, the DAIs have proposed that they be the facilitator of "High Priority" NAT cases. In this facilitator role, DAIs will expedite cases working with individual department code enforcement staff to submit cases to the DA and/or CC office(s) for criminal or civil action in an expeditious manner. It should be noted that ACC must file all criminal cases with designated animal cruelty Deputy District Attorneys (DDAs) in each courthouse. These cases are separate and apart from any other NAT case and are not handled by code enforcement DDAs.

The participating departments have developed a case priority system to target "High Priority" NAT cases. The subcommittee proposes a "Red, Orange, and Yellow," prioritization classification system with "Red" being the highest priority and "Yellow" being the lowest. A "Red" classification would signify immediate health, fire, and life safety hazard(s)/direct threats to the occupant, general public, environment, public right-of-way, adjacent properties or structures, animals, and/or willful persistent violation(s). An "Orange" classification would signify a potential health, fire, and life safety hazard/threat to the general public, environment, public right-of-way, adjacent properties or structures, animals, and a repeat offender. A "Yellow" classification would signify a minimal impact to the occupants, general public, environment, public right-of-way, adjacent properties or structures, and animals. The implementation of this prioritization classification system will be developed and initiated through the efforts of the IT subcommittee.

It should be noted that, in all cases, prior to escalating enforcement to legal action every effort is always made to achieve voluntary compliance. In fact, many routine cases are resolved in this manner. However, this is not always possible in some animal care and control cases. One example would be where ACC encounters sick and/or dying animals.

As noted in the summary of the departments' timelines for code enforcement activities (Attachment I), while timelines vary across County departments, an emergency situation can be accommodated when necessary by immediately initiating the "Red Tag" protocol for hazardous properties and issuing vacate orders.

Protocol Enhancements

The NAT Protocols (Attachment II), summarizes in detail the roles and responsibilities of each participating department. The NAT Subcommittee has identified enhancements of these protocols to establish guidelines across participating departments for improved cooperation within the NAT process. Examples of protocol enhancements are: (1) agencies to update NAT's centralized contact information and commitments; (2) each department to ensure their participation in NAT through quarterly case management meetings with code enforcement agencies, DA, and CC to review and evaluate routine code enforcement cases; (3) special attention to "High Priority" NAT cases

lead by the DAIs; (4) development of annual code enforcement training; and (5) establishment of a consolidated reporting process to the Board and CEO regarding NAT investigations. It should be noted that discussions related to this recommendation is underway by the Task Force, and will be included as part of the proposed "Permit Viewer" recommendations for the Board's consideration.

With literally thousands of potential cases and a limited number of inspectors, it is anticipated that these protocol enhancements will improve efficiency in resolving cases.

Information Technology (IT) Subcommittee

In considering potential changes necessary to improve and enhance the procedures for an effective County code enforcement process, members of the Task Force also expressed the need to have an interagency data management system. This system will support each participating departments' code enforcement process. As a result, the Task Force created the IT Subcommittee to focus on the departments' IT needs for this process.

It is strongly agreed that through this effort an enterprise system would have many benefits for data gathering, sharing, and information distribution resulting in the expedited review and processing of cases and the ability to virtually communicate through an interagency data management system. Currently, some departments use the Electronic Development and Permit Tracking System (eDAPTS) program and/or their own home grown system to track and process their cases. As previously mentioned, to provide a consolidated platform for all NAT departments, DPW has proposed use of their Building Permit Viewer to fill this role on an interim basis.

The Task Force determined further study is necessary by the IT Subcommittee and each of the participating department's IT groups to discuss the best possible system, or if the proposed interim system is feasible. Additionally, recommendations for an enhanced interagency system will be submitted for the Board's consideration under a separate report targeted by November 30, 2012.

TIMELINES AND CODE UPDATES

Code amendments being considered by individual departments will be pursued through the departments' respective code updates and provided separately for the Board's consideration.

NEXT STEPS

- As mentioned above, the Standards Subcommittee is in the process of completing the Report on Horse Stables and Equine Facilities: Existing Standards and Proposed New Policy Recommendations to outline potential policy and ordinance changes that pertain to horse boarding and equestrian facility standards within each of the participating departments, and additionally, a Corrective Action Plan for the Athens site and expects to have it finalized by November 30, 2012, at which time a final report will be provided for the Board's consideration.
- The IT Subcommittee will complete development of "Permit Viewer" as a temporary information distribution system and identify the necessary system enhancements for implementation within each of the participating departments and potential policy and ordinance changes to facilitate code enforcement, with recommendations for the Board's consideration by November 30, 2012.

Should you have any questions on this matter, your staff may contact Arena Turner at (213) 974-1319, or aturner@ceo.lacounty.gov.

WTF:RLR
AMT:os

Attachments (2)

- c: Executive Office, Board of Supervisors
Animal Care and Control
Consumer Affairs
County Counsel
District Attorney
Fire
Public Health
Public Works
Regional Planning
Sheriff
Treasurer and Tax Collector

CODE ENFORCEMENT TIME LINES BY DEPARTMENT ***

Department	Description	Task Step 1 - Site Inspection	Task Step 2	Task Step 3	Task Step 4	Task Step 5	Task Step 6	Task Step 7
Bldg & Safety Div. (DPW-BSDC) Code Enforcement		1 to 5 days	45 day Notice/Notice of Violation (NOV) recorded	Notice of Cost (NOC) \$1234.80 CE fee	DA/CC Referral			
Public Works				Formal Notice 30 days	Building Rehabilitation			
Bldg & Safety Div. (DPW-BSDR) Property Rehabilitation		1 to 5 days	Informal Notice 14 days	Dec. of Substandard (rec) I&P fee \$682.20	Appeals Board Hearing 30 days	County takes action		
Animal Care and Control (ACC):	Infraction	Site Inspection 1 to 7 days	Citations issued	8 weeks	Fix it ticket show proof of correction to court clerk			
▪ Animals may be impounded	Misdemeanor	Site Inspection Immediate	24 hrs to 1 week	30 days	Order may be issued to correct the violation or file with DA			
▪ Animals may be impounded	Felony	Site Inspection Immediate		30 days	File with DA			
Regional Planning (RP)	Complaint Received	Site Inspection 1 to 5 days	Notice of Violation 30 days or Less*	Final Notice 15 days** \$691.00 Non-compl. fee	2nd Not. of NonComp 15 days Add. Admin fee	DA/CC Referral		
Fire Department (Fire)	Complaint Received	Site Inspection	Notice of Violation (Form 410)	Second Inspection	Third Inspection	Fourth Inspection	Fifth Inspection	Final Inspection
	Infraction	Immediate	14 to 21 days	\$100.00 bail/fine re-inspection 7 days	\$200.00 fine bail/fine reinspection 7 days	\$500.00 fine bail/fine reinspection 7 days	\$500.00 fine bail/fine reinspection 7 days	Misdemeanor citation for "Failure to Comply with an Order or Notice" LACFC
	Misdemeanor	Immediate	14 to 21 days	Final Notice reinspection 7 days	Initiate legal action with DA			
Public Health - Environmental Health Division (DPH- EH):	Complaint Received	Site Inspection	Action from site inspection	1st reinspection	2nd reinspection	Office Hearing	CA/DA referral (Hearing or complete filing)	
▪ Permitted sites: Multi-Family Dwelling (5 + units), food facilities, animal keepers	Complaint Received	1 to 3 days	Official Housing or Food Inspection Report. Routine violation: 14-30 days Emergency violation Forthwith 24hrs	Routine violation: 14 days Emergency violation: Office Hearing.	Routine violation: 14 days or Office Hearing.	Routine violation: 3rd reinspection; 14 days or CA/DA Hearing or Filing Emergency Violation: CADA referral	Routine violation: 30 - 45 days; Emergency violation: 7 - 21 days	
▪ Non-Permitted: Vacant lots, Multi-Family Dwelling (4 units or less)	Letter to owner and complainant notifying of charge if 2nd complaint received and verified; 21 days before inspection.	Routine: 21-30 days from letter notification; Emergency 1-3 days	Notice of Violation; Routine violation: 14-30 days Emergency Violation: Forthwith - 24hrs.	Routine violation: 14 days Emergency violation: Office Hearing.	Routine violation: 14 days or Office Hearing.	Routine violation: 3rd reinspection; 14 days or CA/DA Hearing or Filing Emergency Violation: CADA referral	Routine violation: 30 - 45 days; Emergency violation: 7 - 21 days	
Treasurer and Tax Collector (TTC)	Complaint Received	Site Inspection 1 to 5 weeks NOV issued	30 day followup	Final Notice	Refer to DA or issue Citation with (LASD)			
District Att. Investigator (DAI) Code Enforcement Division	Complaint Received	Site Inspection	Criminal Citation issued					
	By Code Enforcement (CE) staff	CE staff/Nuisance Abatement Team (NAT)	Court Appearance 2-4 weeks	Assist CE staff in preparation of case for filing				
District Attorney (DA)	Referral Received	DA Conference Letter mailed 7 days	DA Conference Set approx. 3 weeks	Request for complaint	Complaint filed 1 to 2 weeks	Arraignment 3 to 4 weeks		
County Counsel (CC)	Referral Received	Investigation of referral: 0 to 5 days	Complaint Filed: 5 to 30 days	Prelim. Injunc. Hearing approx. 20 days	Sum. Judgment Motion 6 to 9 months	Trial for Perm. Injunction 12 to 15 months		

* Time extensions may be requested and granted.

** The final notice may be appealed. The appeal is heard within 45 days of the appeal.

*** Time line will be adjusted as necessary for emergency cases.

It should be noted each department's protocol and timeline follow their individual code requirements. The above synopsis is for comparison purposes only.

NUISANCE ABATEMENT TEAM PROTOCOL

MISSION

The Nuisance Abatement Team (NAT) is a multiagency taskforce assembled to abate the more difficult Code violations and public nuisance conditions found on private property.

TEAM MEMBERS

The following County Departments are the primary NAT members:

- Public Works, Building and Safety Division (DPW-BSD)
- Regional Planning, Zoning Enforcement (DRP)
- Law Enforcement:
 - District Attorney Investigators (DAI)
 - Sheriff Department (SD)
- Public Health (PH - Environmental Health Division)
- Other County and State agencies as needed [i.e., Animal Care and Control (ACC); Fire; Children and Family Services; Treasure and Tax Collector (TTC); Public Works, Environmental Programs Division (DPW-EPD); Community and Senior Services, Adult Protective Services (CSS-APS); District Attorney (DA); County Counsel (CC); State, Fish and Game, etc.]

AGENCY INSPECTION RESPONSIBILITIES

DPW-BSD (NAT coordinator):

1. Determine if a referral meets the inspection criteria for NAT and provide a finding to the referring agency.
2. Research, prepare, and distribute the inspection agenda.
3. Provide DRP with copies of County Assessor's field notes, preliminary ownership and permit information.
4. Coordinate participation of appropriate agencies based on the scope of the violation(s).
5. Chair pre-NAT meeting and review NAT Protocol.
6. Facilitate discussions at pre-NAT meetings to incorporate any late updates and safety concerns to be discussed at meetings.
7. Review nature of complaint(s) to ensure the integrity of enforcement procedure in case future criminal prosecution is required.
8. At the site, verify with Law Enforcement that owner/occupant granted the team permission to enter the property and take photographs.
9. Upon entry to the site, provide owner/occupant with an overview of complaint, violation(s) and team inspection procedures.
10. Obtain owner/occupant ID information from Law Enforcement and distribute to team members as needed.
11. Determine building code violations.

ATTACHMENT II

12. Provide timeframe of when cases will be scheduled for investigation.
13. After investigation make agency referrals when necessary.
14. Facilitate "debrief meetings" after NAT to exchange information and review that day(s) inspections for possible improvements of future NATs.

DRP-Zoning Enforcement:

1. Research and interpret Planning entitlements [i.e., Conditional Use Permit (CUP), Plot Plan, Certificate of Compliance, and Community Standards Districts].
2. Provide the Team with aerial photographs of inspection sites.
3. Determine Zoning Code violations.

DA Investigators:

1. All NAT site visits should be performed with DAI or LASD in attendance.
2. The DA Investigators are the lead Law Enforcement with LASD providing as needed assistance.
3. Review all sites for possible criminal investigations that may affect the Team.
4. Assess and establish exit strategy and rally point for each site.
5. Make initial contact with occupants via "Door Knock" to obtain access for the Team.
6. Obtain owner permission to enter and take photographs.
7. Determine if site is safe for Code Enforcement investigation to proceed.
8. Invite Team onto property and introduce NAT Coordinator who will provide details of the NAT process.
9. Obtain ID information and provide to NAT Coordinator for distribution to Team as needed.
10. Monitor security of Team.

LASD:

1. When acting as the lead Law Enforcement agency performs all of the above duties noted under DAIs #'s 1 - 10.
2. Lead on all law enforcement action outside of the NAT Code Enforcement process.

ALL AGENCIES:

1. Treat all people contacted with respect.
2. During investigations avoid cell phones for private conversations and inappropriate laughing or conversations.
3. Attend the pre-NAT meeting and post-NAT debriefing.
4. Determine code violations pertaining to each agency's jurisdiction.
5. Discuss property violations with the owner/occupant in a detailed manner.
6. Immediately inform Team of violations that could affect another agency's requirements.

ATTACHMENT II

7. Leave notices on site unless further research is required to verify existence of code violations.
8. Provide a copy of notice(s) or a summary of violations to the NAT Coordinator.
9. Notify Law Enforcement when leaving the NAT or inspecting areas not visible to Law Enforcement.
10. Notify Team when case is closed.
11. Prepare and forward the required case information to the DA for conferences or criminal prosecution and/or to CC for civil prosecution.

SAFETY

The most important factor in each NAT investigation is the safety of the staff and the public. Since the majority of NAT investigators are done with the consent of the property owner it is imperative that the Team is courteous and respectful of each person and their property rights.

The following issues related to safety will be followed at each site and will be discussed in each pre-NAT meeting:

- Known safety concerns for each site to be investigated, (ex. criminal activity, dogs, and environmental hazards).
- Law Enforcement will make contact and get consent to enter.
- The rally point.
- Team stays together during inspection. Do not wander off or stay in the vehicles unless approved by the lead Law Enforcement.
- When not actively involved with an investigation, maintain vigilance for the safety of the public, Team, and yourself.
- Report to lead Law Enforcement when joining or leaving a NAT or an inspection site.
- Code Enforcement staff does not approach site until cleared by Law Enforcement.
- Unless prior arrangements have been made with the NAT Coordinator, all participants must be present for the per-NAT meeting.
- Upon completion of investigation Team should exit site together and account for all staff.
- Obey all vehicle safety laws.

COMPLAINT SOURCE

Complaints are referred to the NAT by the Los Angeles County Board of Supervisors, participating Departments, other governmental agencies or the public. On occasions cases may be proactively found during an active investigation in an area. All complaints should be transmitted to the NAT Coordinator in writing and can be e-mailed, faxed or mailed.

COMPLAINT CRITERIA

Private Property complaints are referred to NAT for any of the following reasons:

- Severe or multiple agency code violations; or
- Potentially unsafe inspection conditions.

NAT will not be the initial responder for issues which are exclusively Law Enforcement. LASD will take the lead in handling known or reported unlawful activity on a property before any NAT investigations take place. However, after all Law Enforcement issues have been addressed, the property should be referred to the NAT Coordinator for investigation of any Code violations observed during the Law Enforcement investigation. On occasion and depending upon prior agreement, with the necessary departments, NAT inspections may be conducted immediately after tactical Law Enforcement issues have been addressed.

INSPECTION AGENDA

Potential locations must be forwarded to the NAT Coordinator at least five (5) working days in advance of the scheduled NAT inspection day. Late additions to a NAT agenda cannot be accommodated without a full search of the permit/County Assessor's records. Emergency or critical cases will be handled case-by-case.

[Any addition to the agenda may require a deletion of other items.]

SITE VISIT

"Right of Entry" issues will be reviewed before proceeding onto any property. If entry is denied, an inspection Warrant may be obtained.

HIGH PRIORITY NAT CASES

In cases where the Code violations are deemed to be "High Priority" and efforts to gain voluntary compliance has been unsuccessful, the DAs will facilitate the referral to the DA for criminal filing or CC for civil action. In the role as facilitator, DA's will lead investigation activities and coordinate case filing preparation.

ROUTINE NAT CASES

The Code Enforcement agencies will meet quarterly with the DA to discuss the status of referred cases.

CC will call "as needed" meetings to discuss the status of referrals for civil action or receiverships.

Any variation from the above protocol must be reviewed and approved in advance.